

REMARKS

Claims 1-4, 8-20 and 24-29 are pending. Claims 1 and 17 are amended, and claims 5-7 and 21-23 are cancelled with this response. Provisional allowance of claims 7 and 23 is noted with appreciation. Reconsideration of the application is respectfully requested in view of the remarks below.

I. PROVISIONAL OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION

Claims 1-29 were provisionally rejected under the judicially created doctrine of obviousness type double patenting in view of pending U.S. application serial no. 10/748,042. At this time, Application Serial No. 10/748,042 has not been allowed. Therefore it is respectfully requested that this rejection be withdrawn, and if the instant application issues, an analysis of the resulting claims will be made, and if appropriate, a terminal disclaimer in the other application (Serial No. 10/748,042) will be submitted. Accordingly, withdrawal of the rejection is respectfully requested.

II. REJECTION OF CLAIMS 1-6, 8-22 AND 24-29 UNDER 35 U.S.C. §102(a)

Claims 1-6, 8-22 and 24-29 were rejected under §102(a) as being anticipated by U.S. Patent Publication No. 2003/0118028 (Neal). Withdrawal of this rejection is requested for at least the following reasons.

Claim 1 has been amended to include the limitations of claim 7 and intervening claims 5 and 6. Claim 7 was held to contain allowable subject matter. Therefore amended claim 1 is patentable over the cited art.

Claim 17 has been amended to include the limitations of claim 23 and intervening claims 21 and 22. Claim 23 was held to contain allowable subject matter. Therefore amended claim 17 is patentable over the cited art.

Therefore the claims are allowable over Neal. Accordingly, withdrawal of the rejection is respectfully requested.

III. CONCLUSION

For at least the above reasons, pending claims currently under consideration are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

In addition, should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 20-0668, TI-35096.

Respectfully submitted,
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